

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

PERRY CLINE, on behalf of himself
and all others similarly situated,
Plaintiff,

v.

Civil Action No. 6:17-cv-313-JAG

SUNOCO, INC. (R&M), et al.,
Defendants.

ORDER

This matter comes before the Court following a bench trial. The Court held a trial in this case on December 16-19, 2019, and heard closing arguments on June 17, 2020. For the reasons stated in the accompanying Opinion, the Court ORDERS as follow:

1. The Court GRANTS the plaintiff's motion to strike Eric Krause (Dk. No. 207) and SUSTAINS the plaintiff's objections to Krause's testimony at trial.
2. The Court ENTERS JUDGMENT against the defendants as to Count One in the amount of \$74,763,113.00 as of December 16, 2019, plus any additional interest that has accrued on each payment at a rate of 12 percent, compounding annually, from December 17, 2019, to the date of this Order, subject to the modifications as set forth below. The Court, however, withholds entering a final judgment order pursuant to Federal Rule of Civil Procedure 58 until counsel has provided the Court with an updated damages calculation.
3. The Court AWARDS punitive damages in the amount of \$75,000,000, pursuant to Okla. Stat. tit. 23, § 9.1(B).
4. The Court CONCLUDES that the defendants have not committed fraud as alleged in Count Two.

5. The Court DENIES the requests for an accounting, disgorgement, and a permanent injunction set forth in Counts Three and Four.

6. Except as otherwise indicated, the Court OVERRULES all outstanding objections to the exhibits, witnesses, deposition designations, and other evidence.

7. Within seven (7) days of this Order, counsel shall confer and file a notice that sets forth the following calculations:

a. The total amount of actual damages, to include the total additional interest that has accrued on each payment between the date of trial and the date of this Order. Counsel shall subtract the interest due for any timely exclusion requests not accounted for in the plaintiff's trial calculations, and add the interest due to the class members who timely withdrew their exclusion requests. (*See* Dk. No. 271.)

b. The combined total of the updated damages calculation plus \$75,000,000.00 in punitive damages.

8. Within fourteen (14) days of filing the updated calculations, class counsel shall file a brief setting forth its proposed plan for distribution of the damages award. The defendants shall respond within fourteen (14) days after class counsel files the proposed plan. Class counsel may file a reply six (6) days thereafter.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 17 August 2020
Richmond, VA

/s/ [Signature]
John A. Gibney, Jr.
United States District Judge